

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Jose Armando VIERA-Torres

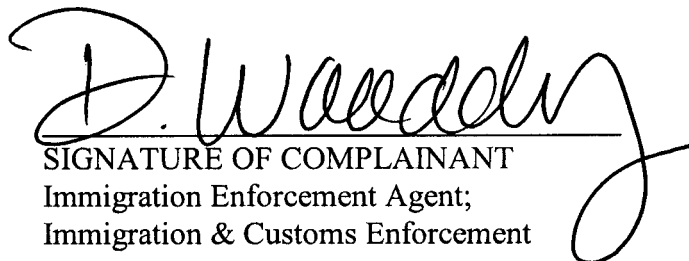
Defendant.

) Magistrate Case No.  
)  
)  
) **'08 MJ 1506**  
) COMPLAINT FOR VIOLATION OF: *MS*  
)  
) Title 8, U.S.C., Section 1326;  
) Deported Alien Found in the  
) United States  
)  
)  
)  
)

The undersigned complainant, being duly sworn, states:

On or about, **May 10, 2008**, within the Southern District of California, defendant, **Jose Armando VIERA-Torres**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

  
SIGNATURE OF COMPLAINANT  
Immigration Enforcement Agent;  
Immigration & Customs Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS **15th** DAY OF **May 2008**.

  
UNITED STATES MAGISTRATE JUDGE

**CATHY ANN BENCIVENGO**

**CONTINUATION OF COMPLAINT:****NAME: VIERA-Torres, Jose Armando****PROBABLE CAUSE STATEMENT**

On May 10, 2008, the defendant identified as, Jose Armando VIERA-Torres, was apprehended by the United States Border Patrol near Otay Mesa, California. Record checks revealed that defendant had an outstanding warrant for 853.7PC "FAILURE TO APPEAR" and he was subsequently referred to San Diego Sheriff's Department custody and booked into San Diego County Jail on that warrant. On May 10, 2008, an Agent with the United States Border Patrol determined the defendant to be a citizen of Mexico and placed a Form I-247 "Immigration Detainer" pending his release from custody.

On May 14, 2008, the defendant was referred to the custody of the United States Immigration and Customs Enforcement (ICE). A Deportation Officer reviewed various sources of information and conducted official record checks in regards to the defendant confirming him to be a citizen of Mexico having been previously removed from the United States.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration file revealed that the defendant was most recently ordered removed from the United States by an Immigration Judge on or about October 5, 1995, and removed to Mexico on or about October 6, 1995, via the Calexico, California, Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in this database. The results confirmed the defendant's identity as, Jose Armando VIERA-Torres, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

Based upon the foregoing information, there is probable cause to believe that Jose Armando VIERA-Torres, has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.